

DISCUSSION OF THE AMENDMENT

Claim 14 has been amended by incorporating the subject matter of Claim 15 therein; Claim 15 has been canceled. Claim 14 has also been amended to correct a clerical error in formula (4), as supported by original Claim 1, and by replacing "mixture" with --blend-- for antecedent basis purposes.

No new matter is believed to have been added by the above amendment. Claims 14, 16 and 17 are now active; Claims 18-22 stand withdrawn from consideration.

REMARKS

The rejections of Claims 14-17:

under 35 U.S.C. § 102(b) as anticipated by JP 63-264656 (JP '656), and

under 35 U.S.C. § 102 as anticipated by or, in the alternative, under 35 U.S.C.

§ 103(a) as unpatentable over, JP 01-224736 (JP '736), JP 63-230757 (JP '757), or U.S. 5,972,447 (Hata et al), are respectfully traversed.

The present invention as above-amended is directed to a polymer blend containing two different ethylene-vinyl alcohol copolymers B1 and B2, and having a morphology in which particles of B2, having a mean particle size of at most 0.8  $\mu\text{m}$ , are dispersed in B1, the blend exhibits at least two crystal fusion peaks in its differential scanning calorimetry (DSC) and satisfies seven particular formulae, i.e., (1) to (7).

Applicants have found that having these designated properties in conjunction with the stated controls on weight, ethylene content, and degree of saponification, as reflected in formulae (1) to (7), gives a blend that is particularly useful in making stretch-blow molded containers that contain also a layer of a thermoplastic polyester. The containers have good impact, delamination resistance, good gas barrier properties, and high transparency even without an adhesive layer, as described in the specification at page 3, lines 5-11, and the working examples.

While each of the applied prior art references discloses blends of EVOH copolymers, none satisfy all of formulae (1) to (7), as previously submitted. Indeed, the comparative data of record, previously discussed, demonstrates the importance of satisfying each of these formulae, which is not recognized by any of the applied prior art. Applicants continue to rely on these arguments. In addition, Applicants also point out that none of the applied prior art discloses or suggests particles of an EVOH corresponding to B2 herein dispersed in an

EVOH corresponding to B1 herein have a mean particle size of at most 0.8  $\mu\text{m}$ , now required in all the claims. There is no disclosure in any of the prior art regarding particle size of an EVOH copolymer, let alone particles of the EVOH present in the smaller amount, like B2, and having a particular particle size, dispersed in the EVOH present in the greater amount, like B1.

English translations of JP '656 and JP '736 are of record. **Submitted herewith** is an English translation of JP '757.

For all the above reasons, it is respectfully requested that these rejections be withdrawn.

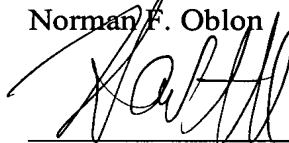
The objection to Claim 14 is now moot in view of the above-discussed amendment. Accordingly, it is respectfully requested that the objection be withdrawn.

Applicants defer action on the Restriction Requirement according to 37 C.F.R. § 1.144.

Applicants respectfully submit that all of the presently-pending claims in this application are in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.  
Norman F. Oblon



---

Harris A. Pitlick  
Registration No. 38,779

Customer Number  
**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 08/03)